

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 7219 of 1999****For Approval and Signature:****HONOURABLE MR.JUSTICE KS JHAVERI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?
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LAXMANBHAI R CHAVADA - Petitioner(s)

Versus

DEPUTY ENGINEER - Respondent(s)

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Appearance :

MR JV JAPPEE for Petitioner No(s).: 1.

MR IM PANDYA A.G.P. for Respondent No(s).: 1.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 23/08/2005

ORAL JUDGMENT

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1. This petition is directed against the judgment and award dated 28th January, 1999 passed by the Labour Court, Anand in Reference [L.C.A.] No. 997/92 whereby the said Reference was rejected.

2. The short facts of the case are that the petitioners were working as on a daily wage basis with the respondent. It is the case of the petitioners that they were working as such since last ten years. The respondent without following any procedure under the Industrial Disputes Act, 1947 terminated the services of the petitioners w.e.f. 20th July, 1984. Feeling aggrieved by the said order, the petitioners raised an industrial dispute which was ultimately referred to the Labour Court for adjudication. The Labour Court after appreciating the materials produced before it, passed the impugned award. Hence, this petition.

3. I have heard the learned advocate for the parties. Having perused the materials produced on record, it transpires that the Labour Court while rejecting the reference has arrived at a conclusion that since the petitioners were working on daily wage basis they have no right to the post. Thus, I am in complete agreement with the reasonings adopted and findings arrived at by the Labour Court while rejecting the Reference and find no reason to interfere in this petition.

4. In the result, the petition is dismissed. The impugned award of the Labour Court is confirmed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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